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 ORIGINAL

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 UNITED STATES OF AMERICA,) CR No. 09-70296 EMC
16 Plaintiff,)
17 v.) STIPULATION AND [PROPOSED] ORDER
18 NOEL GILLETT,) RE: MENTAL EVALUATION
19 Defendant.)
20

21 On April 1, 2009, the parties in this case appeared before Magistrate Judge Zimmerman
22 for the defendant's initial appearance on a Complaint. At that initial appearance, counsel for the
23 government requested that the defendant be evaluated by a psychiatrist or psychologist to
24 determine the defendant's mental condition, pursuant to 18 U.S.C. § 3142(g)(3)(A).

25 On April 7, 2009, the parties appeared before Judge Zimmerman for a detention hearing,
26 at which time the defendant waived a detention hearing, subject to a preservation of his right to
27 request a detention hearing at a later time. At the April 7 hearing, the parties and the Court
28 discussed the defendant's mental state once again, and the parties agreed to explore what mental

1 evaluation and/or treatment options were available through Pre-Trial Services. The Court agreed
2 that such an evaluation would be appropriate.

3 After the hearing, counsel for the defendant consulted further with Pre-Trial Services and
4 was informed that the defendant could be evaluated by a mental health professional, but that a
5 written order from the Court is required. Pursuant to that requirement, the parties hereby
6 stipulate that such an evaluation is necessary and respectfully request that the Court order that
7 such an evaluation be conducted at the direction of Pre-Trial Services. Counsel for the defendant
8 will coordinate with Pre-Trial Services and communicate with the Government and the Court as
9 appropriate for future dates.

10
11 SO STIPULATED:

**JOSEPH P. RUSSONIELLO
United States Attorney**

14 DATED: April 8, 2009 /s/
15 KEVIN J. BARRY
Assistant United States Attorney

17 DATED: April 8, 2009 _____ /s/
18 LOREN G. STEWART
Attorney for NOEL GILLETT

[PROPOSED] ORDER

21 For the reasons stated above and at the hearings in this matter, the Court finds that an
22 evaluation of the defendant's mental condition by a psychiatrist or psychologist is necessary, and
23 hereby ORDERS that Pre-Trial Services have such an evaluation be conducted.

25 IT IS SO ORDERED.

27 | DATED: 13 Jan 09

THE HON. BERNARD ZIMMERMAN
United States Magistrate Judge